

**Board of Respiratory Care
Minutes**

Date: May, 25, 2005

Time: 9:00 a.m., C.S.T.

Location: Cumberland Room
Ground Floor, Cordell Hull Building
425 5th Avenue North
Nashville, TN 37247-1010

Members Present: Billy Alred, Chair
Shirley Brackett
Charles Brownlee
Darryl Jordan, MD
James Hunter, II
Candace Partee
Timothy McGill
Robbie Bell, Ex Officio

Members Absent: Delmar Mack, Ed.D

Staff Present: Marva Swann, Unit Director
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Regulations Manager
Andrei Lee, Assistant General Counsel

Staff Absent: Tomica Walker, Board Administrator
Lea Phelps, Disciplinary Coordinator

Guests Present: John Williams, Tennessee Society for Respiratory Care
Randy Wolfe, Tennessee Association for Home Care
Mark Harkreader, Tennessee Professional Assistance Program

A quorum being present, Mr. Alred, Chair, called the meeting to order at 9:00 a.m.

Office of General Counsel

Ms. Armstrong informed the Board of their responsibilities under the Conflict of Interest Policy. Board members were asked to sign exhibit 4 of the policy in acknowledgement of their understanding of its content.

Ms. Armstrong presented to the Board the Office of General Counsel Report as follows:

Rules:

Effective May 31, 2005:

- Tenn. Comp. R. & Regs. 1330-1-.12—regarding primary continuing education categories, multi-media continuing education courses, continuing education documentation requirements

Under review by the Attorney General:

- Tenn. Comp. R. & Regs. 133011.22—regarding ABG course requirements

Roll call vote scheduled for this meeting:

- Tenn. Comp. R. & Regs. 1330-.03—regarding the delivery of respiratory equipment as it relates to the practice of respiratory care
- Tenn. Comp. R. & Regs. 1300-1-.05—regarding criminal background checks for initial applicants for licensure

Litigation:

The Office of General Counsel, Tennessee Department of Health, currently has twelve (12) open cases pertaining to the Tennessee Board of Respiratory Care. Four (4) cases pertain to Registered Respiratory Therapists; seven (7) cases pertain to Certified Respiratory Therapists; and one (1) case pertains to Respiratory Care Assistants.

Agreed/Consent Order or Contested Case Hearings

Judge Madeline B. Williams presided. The State was represented by Ms. Andrei Lee.

Amelia Colvard Frye, CRT—Ms. Frye’s case was presented before the Board as an Agreed Order. Ms Frye in the Findings of Fact was alleged to have phoned in approximately ten (10) prescriptions on or about April 18, 2001, until on or about April 17, 2003, some of which were controlled substances. She subsequently was found guilty on September 2, 2004 of Driving Under the Influence in Criminal Court of White County, Tennessee.

It was found in the Conclusions of Law that Ms. Frye was in violation of Tenn. Code Ann. 63-27-102(4)(A)(i) which states “In no event, however, shall a respiratory care practitioner prescribe controlled substances of any kind; Tenn. Code Ann. 63-27-112(a)(2) which states admonishments against “Immoral, unethical, unprofessional or dishonorable conduct”; and Tenn. Code Ann 63-27-112(a)(9) which gives the Board the power to impose any of the disciplinary sanctions set forth in this section whenever the licensee is found guilty of violating any of the provisions of this chapter such as “being guilty of fraud or deceit in the practice of respiratory care.”

As a result of the above Findings of Fact and Conclusions of Law, Ms. Frye has consented to the terms and conditions of this Agreed Order which are as follows:

1. Ms. Frye’s license to practice respiratory care in Tennessee shall be placed on Probation for a period of two (2) years; effective the date this Agreed Order is entered with the Administrative Procedures Division of the Office of the Secretary of State.

2. Ms. Frye shall successfully complete a board approved fifteen (15) hours of Continuing Education on the subjects of Documentation and Ethics. The Probation shall not be lifted until the board receives proof of successful completion of said courses.
3. Ms. Frye is ordered to pay Five Hundred Dollars (\$500.00) in civil penalties and the costs of this action within thirty (30) days of the issuance of the Affidavit Costs.
4. This Probation is formal a disciplinary action and will be reported to the Health and Protection Data Bank (HIPDB).

After discussion, a motion was made by Mr. Hunter to accept this Agreed Order. It was seconded by Mr. Brownlee. The motion carried.

Deborah Brown, CRT—Ms. Brown's case was presented before the Board as a contested case. Ms. Brown was not present nor was she represented by counsel. As all correspondence concerning this case was mailed to Ms. Brown's address on record, it was the consensus of the Board to proceed with the case in default in the absence of the Respondent (Ms. Brown).

It was found in the Allegations of Facts that Ms. Brown, a licensed practitioner of respiratory care at the time, in the calendar year 2002, failed to obtain and/or submit proof documenting completion of the mandatory ten (10) hours of Continuing Education in a timely manner. As a result, the Respondent shall pay one-hundred (\$100.00) dollars in civil penalties for each hour of Continuing Education that she failed to obtain for a total of one-thousand (\$1000.00) dollars; that she shall submit ten (10) hours of continuing education representing the amount of hours that were required in 2002, and submit an additional five (5) hours of continuing education, for a total of fifteen (15) hours; that the Respondent's license to practice respiratory care be placed on probation until such time as compliance of all requirements are presented before the Board; and that she shall petition the Board, in writing, to have the probation lifted

After discussion, a motion was made by Mr. Hunter to accept the Allegations of Fact. It was seconded by Ms. Partee. The motion carried. A motion was then made by Ms. Partee to accept the Conclusions of Law. It was seconded by Dr. Jordan. The motion carried. Finally a motion was made by Mr. Hunter to accept the Disciplinary Action proposed by the State. It was seconded by Ms. Partee. The motion carried.

A roll call vote was taken as to the Board's agreement with the entire action in this case. It passed unanimously with all members voting yes.

Approval of Minutes

A motion was made by Ms. Partee and seconded by Mr. Hunter to approve the minutes of the February 15, 2005 Board meeting as amended. The motion carried.

Applicant Interviews/File Reviews

Randy Adams—Mr. Adams appeared before the Board seeking licensure through reciprocity as a Certified Respiratory Therapist. Upon review by the Board, a motion was made by Mr. Hunter and seconded by Mr. McGill to grant Mr. Adams a license but to deny ABG endorsement until he submits additional documentation to determine whether or not he meets the criteria for such endorsement. The motion carried.

Michael Bailey—Mr. Bailey appeared before the Board seeking licensure through reciprocity as a Registered Respiratory Therapist. Upon review by the Board, a motion was made by Mr. Hunter and seconded by Mr. McGill to grant Mr. Bailey a license but to deny ABG endorsement until he submits additional documentation to determine whether or not he meets the criteria for such endorsement. The motion carried.

Christina Cox—Ms. Cox's application for reinstatement as a Certified Respiratory Therapist was submitted to the Board for review. It was disclosed that Ms. Cox had been convicted of vehicular assault in September, 2002. A motion was made by Ms. Partee and seconded by Mr. Brownlee to postpone action until after Ms. Cox is evaluated by the Tennessee Professional Assistance Program (TNPAP). The motion carried.

Dunyale Douglas—Ms. Douglas appeared before the Board due to a misdemeanor of theft of merchandise in 1994. She is seeking initial licensure. After a discussion of the facts, a motion was made by Mr. Brownlee and seconded by Ms. Partee to approve Ms. Douglas for licensure. The motion carried.

David Fields—Mr. Fields appeared before the Board seeking licensure as a Certified Respiratory Therapist through reciprocity. Mr. Fields initially received his credentials in Kentucky by way of on-the-job training. A motion was made by Ms. Partee and seconded by Mr. Brownlee for Mr. Fields to submit transcripts and related information regarding his respiratory care education and training, along with Kentucky's licensure requirements, and proof of Arterial Blood Gas training and experience. Mr. Hunter recused himself. The motion carried.

Kimberly Givens—Ms. Givens met the requirements for initial licensure as a Certified Respiratory Therapist before the meeting of the Board. Therefore; her file was not reviewed, and her license will be ratified at this meeting.

Heather Gunter—Ms. Gunter was seeking licensure as a Registered Respiratory Therapist through reciprocity. Ms. Gunter disclosed that she had been disciplined by the Mississippi Board in May, 2001. Ms. Gunter had been requested to appear before the Board and was not present. She had been requested to appear on two other occasions and failed to do so. A motion was made by Mr. Hunter and seconded by Dr. Jordan to deny licensure. The motion carried.

Myra Hanna—Ms. Hanna appeared before the Board seeking Arterial Blood Gas (ABG) endorsement. Ms. Hanna has an active license as a Certified Respiratory Therapist in the

State of Tennessee. Several years ago she had been licensed by the Medical Laboratory Board with ABG endorsement. She allowed that license to lapse and has not been active in the field with reference to ABG for over fifteen years. Concern was expressed by Ms. Brackett, who had also received training at the same institution as Ms. Hanna, of Ms. Hanna's ABG training from such a long time ago still being adequate without being updated due to the many changes and advancements in the field. A motion was made by Mr. Hunter and seconded by Dr. Jordan to deny ABG endorsement until Ms. Hanna enrolls and submits proof of the successful completion of an ABG course from an accredited provider. The motion carried.

Rules

Jerry Kosten reported on the Rulemaking Hearing held May 4, 2005 regarding an amendment to Rule 1330-1-.05 which would require an applicant for initial licensure to submit the result of a criminal background check. There were no comments from the public. A roll call vote was taken. The proposal passed unanimously with all members voting yes.

A discussion was held regarding the rulemaking hearing held May 7, 2004 regarding respiratory delivery technicians. John Williams, of the Tennessee Society for Respiratory Care, and Randy Wolfe, of the Tennessee Association of Home Care clarified their position on the language of the rule and their proposed amendments. Ms. Armstrong again stressed her concern that the Board would be acting beyond the scope of its authority to impose regulations on facilities. That being said, Mr. Hunter made a motion, seconded by Dr. Jordan, to return to the language of the original rulemaking hearing proposal. This motion was withdrawn and a committee was appointed by the Chair comprised of Mr. Hunter, Ms. Partee, and Ms. Brackett to meet with The Tennessee Society for Respiratory Care, the Tennessee Association of Home Care and other interested parties to come to some agreement on the proposed rules for respiratory delivery technicians. This meeting is to take place before the next Board meeting to be held August 17, 2005.

Investigations and Disciplinary Report

Nicole Armstrong presented the report in the absence of Lea Phelps. There was an initial carryover of thirteen (13) complaints from December, 2004 with two (2) new complaints received in the month of April. Two (2) complaints were sent to the Office of General Counsel leaving a total of eleven (11) open complaints at the time of this meeting.

Tennessee Peer Assistance Program Report

Mark Harkreader, State Director of TNPAAP presented the report. For the period of January 28, 2005 thru April 30, 2005 there was an intake of three (3) new participants making a total of five (5) active participants, two (2) of which have signed a monitoring agreement.

Administrator's Report

Marva Swann presented the Administrator's report. Active current licensee totals are 1973 Registered Respiratory Therapists, 1956 Certified Respiratory Therapists, and 36 Respiratory Care Assistants. There is a benchmark of application processing time set for all Health Related Boards of 14 days for renewals and 100 days for initial applications.

We are exceeding our benchmark of 14 days processing time with regard to renewals with the average time of 4 days for both RRT's and CRT's and 9 days for RCA's. We are not meeting the benchmark of 100 days processing time for initial licensure with 240 days being the average time for RRT's and 105 being the average time for CRT's. This is due largely in part to RRT applicants having to be downgraded when they fail to take the RRT examination and subsequently must then be processed as a CRT. This adds to the processing time. Both RRT and CRT applicants who are issued a temporary permit are waiting until just before the permit expiration date to take the NBRC examination and this delays their being awarded full licensure until this requirement has been met.

For your information, ABG endorsement can now be accessed on the Internet verification system.

Board members were again reminded to obtain prior travel approval through the Administrative staff before making travel arrangements outside of the State of Tennessee in order to ensure reimbursement.

Election of Officers

The Board elected officer's at this meeting. Mr. Hunter made a motion which was seconded by Ms. Partee to nominate and elect Mr. Alred as Chair. Mr. Alred's term on the Board has expired. He stated that he would be happy to serve pending his reappointment or until such time as he is replaced on the Board. The motion carried unanimously.

Mr. Hunter made a motion which was seconded by Mr. Brownlee to nominate and elect Ms. Partee as Secretary. The motion carried unanimously.

Board Meeting Dates

The Board set new Board meeting dates for 2006. They are as follows:

- 2/14/06
- 5/23/06
- 8/22/06
- 11/14/06

Policy Statement

Nicole Armstrong presented the following policy statement to the Board regarding ventilator care in rehabilitation facilities:

Tennessee Board of Respiratory Care
Position Statement
Recommended Minimum Standards
For
Ventilator Care in Rehabilitation Facilities

Qualified respiratory care practitioners are an essential component for ensuring continuity and quality of care for patients transferred from acute care hospitals to alternate rehabilitative facilities such as skilled nursing facilities. The Board of Respiratory Care therefore supports the creation and adoption of the following minimum standards for ventilator services at skilled nursing facilities and other rehabilitation facilities:

1. A. licensed respiratory care practitioner should be on site 24/7 for ventilator care, administration of medical gases, administration of aerosol medications, and to perform diagnostic testing and monitoring of life support systems.
2. A Pulmonologist or physician experienced in ventilator care should direct the plan of care.
3. The facility should establish admissions criteria to ensure the medical stability of patients prior to transfer from the acute care setting.
4. Arterial Blood Gas (ABG) should be readily available to document acid base status, and/or End Tidal Carbon Dioxide (etCO₂) and continuous pulse oximetry measurements should be performed in lieu of ABG studies.
5. There should be an audible, redundant external alarm system located outside of the patient's room to alert caregivers of a patient disconnection notify of ventilator disconnection or ventilator failure.
6. Ventilator and emergency equipment should be connected to electrical outlets with back up generator power in the event of power failure.
7. Ventilators should be equipped with battery back up systems.
8. Facilities should be equipped to employ the use of current ventilator technology consistent with meeting patients' needs for mobility and comfort.
9. A back up ventilator should be available at all times if mechanical ventilation is provided to a patient.

Adopted by the Tennessee Board of Respiratory Care on the 25th day of May, 2005.

A motion was made by Ms. Partee and seconded by Mr. Hunter to adopt this policy statement. The motion carried.

Ratifications

A motion was made by Ms. Partee and seconded by Mr. Hunter to approve the following applicants for Registered Respiratory Therapists, Reinstated Registered Respiratory Therapists, Certified Respiratory Therapists, and Reinstated Certified Respiratory Therapists. The motion carried.

Registered Respiratory Therapists

KATHI RAY ARNOLD-MIZE
MICHAEL D. BAILEY
CLINTON EUGENE BARNES
LAURA NEWMAN CARRERA
NATHAN BRETT CHADWELL
KATHERINE IRENE CROUCH
NICHOLE ENGLAND CUMMINGS
TERRY REED CUNNINGHAM
ERIN COLLINS ELY
DONNA LYN FORTNER
LINDA WISE FRALEY
TAMELA FUTRELL
KATHY REED GWINN
JOHNATHAN TONY HAGAN
NINA SLEDGE HOBSON
PATRICIA ANNE HOOD
ELAINE P. KEMPER
REBECCA LYNN LANKFORD
LINDA LEIGH LEWIS
MATTHEW MCCONNELL
SCOTT MURRAY MCKINNEY
GERALD DWAYNE MOORE
CHAD ALAN PARKER
JERRY YORK POWERS
BRIDGET LEE ROBERSON
DEBORA L. SCOTT
KAREN RENEE' SHIPLEY
DAVID WALTER SNYDER
LINDSAY MICHELLE SPEARS
JAMES VERNON THOMAS
BRANDON MICHAEL VANHUSS
POLLY WREN WAGNER
ROBIN M. WEBER
MATTHEW ANTON WESLEY
VICKI L. WILSON
JOSEPH JAMES WOLFE

Reinstated Respiratory Therapists

REBECCA ANN ANDERSON
HOSSEIN GHARANFOLI
LEA J. GRAVES
JENNIFER MICHELLE HEWGLEY RRTPULASKI
CONNIE L. JUDD
KATHERINE A. MCDANIEL
REGINA FRANCES ROGERS
TAMMY L. SCHWOB
CHRYSTAL R. SHEPPARD DUNCAN
LARRY BRUCE TAYLOR

Licensed Certified Respiratory Therapists

OLUBANKE M. ADETUNJI
SEINAB MOHAMED ALI
MELISSA GRACE ALLEN
SANDRA ALLEN
PETER JOHN APEL
ONYX J. APPLEWHITE
LAURAENTINA DIONYSIA BEAL
MARK ADRIAN BIGGS
NICOLE BLACK
BRANDON K. BODINE
SHANVELLA KESHUN BOND
MELISSA GILLENLINE BRADLEY
DAPHANE RENA' BROWN
LATOYA DEMECA BUTLER
SALLY MARIE CASS
KAREN LANELLE CHATMAN
KENJI TERRELL CLARK
APRIL D. CRABTREE
MISTY ANN CROWLEY
DERRICK D. CUMMINGS
VICKIE D. CUMMINS
ROBIN E. DANCY
MARQUETTA DE'VON DEGRAFINREID
LENEIR SHAMARA FLETCHER
MELINDA KAY FOSTER
JUDY SROKA FRANKO
PAULA M. GILLESPIE
CHRISTINA BETH GRIFFIN
IRIS HENNINGS HINES
MAY MEEKS HODGES
KANDRA KAYE HOUCHIN

CAROLYN HARRIS JONES
KRISTEN NICOLE KENNEDY
DOW V. LEE
BERTHA JO LEWIS
TONYA CHRISTENE LOFTIN
KRISTEN RENEE LUMLEY
GLEN A MILLER
STACEY NICOLE MILLER
WENDY S. MOORE
TABITHA AUNDREA NEAL
QUANDRIA WYKEE NELSON
KIMBERLY SNIDER PNILLIPS
JIMMY WAYNE POLLY
ANGELIA RENEE PUGH
YUSEF ABDALLAH RAHMAN
LAUREN MCCORD RASMUSSEN
SANDRA TAYLOR ROGERS
MICHELLE HARRIS RUTH
THEODORE R. SONES
SHAUNA DAWNYALE STANLEY
TAMMY HOWARD STEELE
TIFFANY LARELLA STEWARD
SHANE ARTHUR STOVALL
NICHOLLE D. STREET
MARY JANE SYLAR
GARY FIELDING VINEYARD
ALAN H. WATSON
KATHERINE ANN WATSON
SHANTI LASHUNESE WELCH
KIMBERLY RHENEE WEST
LISA MARTIN WEST
ANGELICA MARIA WHITE
LATONYA YVONNE WILLIAMS
ANNA SKINNER WILSON
TERRI R. WORTHINGTON
TAMARA HONEYCUTT WRIGHT
DAKSHA B. ZAVER
MANDY R. ANDERSON CRTT
JOHNNY O. BROWN
MICHELLE BROWN FIELDS
EVIVIA LATRICE HOWARD
ALICE RENEE LONG
WANDY Y. MCCASLIN
PAMEMA SMITH-MCNEAL

There being no further business, the meeting was adjourned at 1:00 pm.

Candace Partee, Secretary